REMARKS

35 U.S.C § 103 Rejections

The Office action rejects claims 1-3, 5, 21, 23, 34 and 36 (all formerly pending claims) under 35 U.S.C. 103(a) as being obvious based on U.S. Patent No. 5,766,076 ("Pease") in view of U.S. Patent No. 6,682,421 ("Rowe"). The Pease reference is directed to "a hierarchically-organized progressive gaming system in which the central system need not directly award a prize to a player at an individual gaming device or terminal." Pease at 1:65–2:1. The Office action equates the central computer system 106 in Pease to the claimed "central authority," and equates the database maintained by gateway processor 138 in Pease to the claimed "second database." The Office action then points to the teachings of Rowe in support of the assertion that it would have been obvious for one of ordinary skill in the art to add ticket validation capabilities to the system of Pease.

In response to the Office action, Applicants have cancelled claim 36 and amended all remaining claims (claims 1-3, 5, 21, 23 and 34). Some amendments are made solely for the sake of clarity and, as described below, no new matter has been added by way of any of the amendments. Claim 34 has also been amended such that it is no longer an independent claim, and now depends on claim 21. Applicants respectfully submit that the remaining, amended claims are patentably distinct from the combination of the Pease and Rowe references.

Independent claim 1, as amended, requires a central authority and a plurality of gaming machines, wherein the gaming machines are configured to receive balance data and input ticket data, and to generate meter data, jackpot data, output ticket data and player data. Claim 1 also requires a first relational database located in the central authority, a network, and a data

processing unit spaced apart from the first relational database. The data processing unit comprises a second relational database and a programmed hardware. The first relational database comprises a meter table, a jackpot table, a ticket table, a player table and a balance table, and the second relational database comprises a local meter table, a local jackpot table, a local ticket table, a local player table and a local balance table.

The programmed hardware of claim 1 is configured to provide a poller function and a data mover function. The poller function is configured to obtain meter data, jackpot data, output ticket data and player data generated by the gaming machines over the network, whereby the obtained meter data is stored in the local meter table, the obtained jackpot data is stored in the local jackpot table, the obtained output ticket data is stored in the local ticket table, and the obtained player data is stored in the local player table. The data mover function is configured to periodically transmit at least a portion of the obtained meter data, jackpot data, output ticket data and player data from the second relational database to the first relational database over the network, whereby the periodically transmitted meter data is stored in the meter table, the periodically transmitted jackpot data is stored in the jackpot table, the periodically transmitted output ticket data is stored in the ticket table, and the periodically transmitted player data is stored in the player table. The data mover function is further configured to periodically obtain input ticket data and balance data from the first relational database over the network, whereby the periodically obtained input ticket data is stored in the local ticket table and the periodically obtained balance data is stored in the local balance table. The poller function is further configured to transmit at least a portion of the periodically obtained input ticket data and the periodically obtained balance data from the second relational database to the gaming machines over the network when said portion is required by the gaming machines.

The language of claim 1 is in large part the same as it was in claim 1 prior to this amendment, except that the functions have been labeled as being part of a "poller function" or a "data mover function," as described in paragraphs 44-62 of Applicants' specification. Other amendments consist of requiring first and second "relational" databases that include meter, jackpot, ticket, player and balance "tables" (see at least paragraphs 42-43 and Figure 2 of Applicants' specification for support), the data processing unit being "configured to process transactions from the gaming machines" (see at least paragraphs 43 and 45 of Applicants' specification), "periodically" transmitting the obtained data from the second relational database to the first relational database (see at least paragraphs 24, 26 and 58 of Applicants' specification), and transmitting at least a portion of the periodically obtained data to the gaming machines "when said portion is required by the gaming machines" (see at least paragraphs 24, 26 and 59 of Applicants' specification).

Applicants believe that the art of record does not render claim 1 obvious. According to the MPEP, any obviousness analysis under 35 U.S.C. § 103 must avoid improper hindsight. See MPEP at 2141.01 (part III). To protect against such hindsight, the patent laws and the MPEP require consideration of whether the subject matter of the claimed invention "as a whole" is obvious in light of the prior art. See 35 U.S.C. § 103(a) and MPEP 2141.02 (part I) ("In determining the differences between the prior art and the claims, the question under 35 U.S.C. 103 is not whether the differences [between the claimed subject matter and the prior art] themselves would have been obvious, but whether the claimed invention as a whole would have been obvious."). As stated in the MPEP:

> In determining whether the invention as a whole would have been obvious under 35 U.S.C. 103, we must first delineate the invention as a whole. In delineating the invention as a whole, we look not only to the subject matter which is literally recited in the claim in question . . . but also to those properties of the subject

> matter which are inherent in the subject matter *and* are disclosed in the specification. . . . it is this invention as a whole, and not some part of it, which must be obvious under 35 U.S.C. 103.

MPEP 2141.02 (part V) (quoting *In re Antonie*, 559 F.2d 618, 620, 195 USPQ 6, 8 (CCPA 1977) (emphasis in original) (citations omitted)).

Looking, as the MPEP requires, "not only to the subject matter which is literally recited" in claim 1, "but also to those properties of the subject matter which are inherent in the subject matter and are disclosed in the specification," it is seen that Applicants' invention as a whole is not rendered obvious by the cited references. First, the "subject matter which is literally recited" in claim 1 is not found in Pease or Rowe, as neither discloses (1) the use of relational first and second databases with tables for storing balance data, ticket data, meter data, jackpot data, output data and player data, (2) periodically transmitting at least a portion of meter data, jackpot data, output ticket data and player data from the second to the first relational database, (3) periodically obtaining input ticket data and balance data from the first relational database, or (4) transmitting at least a portion of input ticket data and balance data to the gaming machines when said portion is required by the gaming machines.

Second, the "properties of the subject matter which are inherent in the subject matter" of claim 1 "*and* are disclosed in [Applicants'] specification" are not recognized in Pease or Rowe. Applicants' specification discloses at paragraphs 3, 5 and 23 that the problem which the claimed invention solves is "loss of transaction data," by helping to ensure that "the gaming facility will remain operational even if some of its networks or central authority malfunction." Because Pease and Rowe do not recognize this problem, it would be improper hindsight to combine them in a specific way that includes all of the amended claim 1 limitations. Not having the benefit of the present amendments, the Office action asserts that the most "direct" way to integrate the

ticket validation functionality of Rowe with the system of Pease would be to route all data transmitted to or from the central authority through the gateway processor, which would result in a system wherein all such data "must be stored, even if temporarily, at the gateway processor." Office action at page 10. But it is not the case that the most direct combination of Pease and Rowe would store all of the claimed types of data in a table of a relational database in the gateway processor, or that such a combination would periodically transmit all of the claimed types of data to and from the central authority. For example, a simpler combination would merely store most data that passes through the gateway processor temporarily in a buffer, rather than a table of a relational database. At best (and assuming for the moment that such a combination is even possible), a combination of Pease and Rowe that includes all of the amended claim 1 limitations relating to type of data storage and timing of data transmissions would only be apparent in light of Applicants' specification, and would therefore be the result of improper hindsight.

The apparatus of claim 1 wherein the ~~input data comprises~~ data mover function is further configured to obtain from the first relational database at least one of output ticket data, player data, jackpot data and meter data ~~for~~ generated by the gaming machines ~~played~~ within a predetermined preceding time period.

Accordingly, Applicants submit that claim 1 is patentable over the art of record. Claims 2-3 and 5 depend from claim 1, and are therefore allowable over the cited references at least for the reasons that claim 1 is allowable. Applicants also respectfully submit that the rejection of claim 5 misapplies the Pease reference to the claim language. On page 9 of the Office action, claim 5 is rejected because "Pease teaches gaming machines comprising meters arranged to store meter data and wherein the output data comprises the meter data or jackpot data, wherein the

data comprises meter data for gaming machines played within a predetermined preceding time period (see at least 5:56-60, 6:24-7:2, 8:13-18)." Like the quoted aspect of Pease, claim 5 refers to data that is initially generated by the gaming machines. Unlike Pease, however, claim 5 is directed (and was directed, prior to the present amendments) to some of that same data then being transmitted from the central authority database back towards the gaming machines. Specifically, amended claim 5 requires that the data mover function be further configured "to obtain from the first relational database at least one of output ticket data, player data, jackpot data and meter data generated by the gaming machines within a predetermined preceding time period." This allows, for example, a gaming machine to later have access to data that was generated by other gaming machines in a certain time interval, or that it previously generated itself but did not store locally. Claim 5 is therefore allowable for the additional reason that Pease and Rowe do not disclose this limitation. Applicants note that the amendments to claim 5 are supported at least by paragraph 59 of Applicants' specification.

Independent claim 21, as amended, includes limitations very similar to those in claim 1, but in the form of a method claim. Applicants believe it is allowable over the art of record at least for the reasons discussed above in connection with amended claim 1, and that dependent claim 23 is additionally allowable over the art of record at least for the reasons discussed above in connection with dependent claim 5. Claim 34 has been amended such that it is no longer an independent claim, and now depends on claim 21. It is therefore allowable at least for the reasons that claim 21 is allowable.

Claim 36 is canceled, and the rejection is therefore moot.

CONCLUSION

Claims 1-3, 5, 21, 23 and 34 are believed to be patentable over the art of record for the reasons discussed above. A Notice of Allowance is respectfully solicited.

If the Examiner has any questions or if Applicants can be of any assistance, the Examiner is invited and encouraged to contact Applicants at the number below.

The Commissioner is authorized to charge any necessary fees or credit any overpayment to the Deposit Account of McAndrews, Held & Malloy, Account No. 13-0017.

Respectfully submitted,
McAndrews, Held & Malloy, Ltd.

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